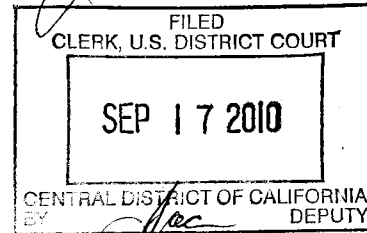


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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11 **WESTERN DIVISION**

11 Grand General Accessories Manufacturing
12 Inc., a California corporation;

13 Plaintiff,

14 v.

15 United Pacific Industries, Inc., a California
16 corporation; and Lucidity Enterprise Co.,
17 Ltd., a corporation of Taiwan,

18 Defendants.

19
20 United Pacific Industries, Inc. a California
21 corporation; and Lucidity Enterprise Co.,
22 Ltd., a corporation of Taiwan

23 Counter-Claimants,

24 v.

25 Grand General Accessories Manufacturing,
26 a California corporation,

27 Counter-Defendant.

Case No. 08-07078 DDP (VBKx)

**[Proposed] ORDER GRANTING
JOINT STIPULATION FOR
ENTRY OF JUDGMENT
AGAINST PLAINTIFF AND
FOR ENTRY OF JUDGMENT
IN FAVOR OF DEFENDANTS**

**Honorable Dean D. Pregerson
United States District Judge**

28 **[Proposed] ORDER GRANTING STIPULATION FOR LEAVE FOR DEFENDANTS TO FILE LATE THEIR
ANSWER AND COUNTERCLAIMS TO SECOND AMENDED COMPLAINT**

1 The Court having considered the Joint Stipulation for Entry of Judgment
2 Against Plaintiff and for Entry of Judgment in Favor of Defendants, hereby grants
3 the Stipulation. Accordingly, pursuant to Fed. R. Civ. Proc., Rule 54 and pursuant
4 to Central District Local Rule 54-1 et. seq., judgment is entered as follows:
5

6 1. Judgment is entered in favor of Defendants/Counter-
7 Claimants as to the first, and third through sixteenth Causes of Action asserted in
8 Plaintiff's Second Amended Complaint (Docket Entry #76) which shall include
9 but not be limited to having all eight of Plaintiff's design patents at issue, the
10 D570,012 ("012 Patent"), D570,013 ("013 Patent"), D474,303 ("303 Patent"),
11 D474,559 ("559 Patent"), D507,670 ("670 Patent"), D511,850 ("850 Patent"),
12 D470,970 ("970 Patent), and D548,038 ("038 Patent) (collectively "the Patents")
13 declared invalid.
14
15
16

17 2. The UPI Defendants are adjudged as the prevailing parties. Judgment
18 is entered against Plaintiff/Counter-defendant Grand General such that Grand
19 General takes nothing on its Second Amended Complaint.
20
21

22 3. Judgment is entered in favor of Defendants as to Plaintiff's
23 Second Cause of Action in Plaintiff's Second Amended Complaint, as it relates to
24 the "Spyder Design".
25
26

1 4. Judgment is entered in favor of Defendants/Counter-
2 Claimants in the First through Tenth Counter-Claims, and Twelfth through
3 Fourteenth Counter-Claims to Plaintiff's Second Amended Complaint found at
4 Docket Entry #99.

5
6 5. Grand General's Second Cause of Action contained in its Second
7 Amended Complaint as it relates to the Spyder Trademark, USPTO Registration
8 No. 3,108,482, and (b) its Seventeenth Cause of Action contained in its Second
9 Amended Complaint are both hereby dismissed with prejudice. Grand General,
10 however, reserves the right to litigate non-infringement and invalidity as to the
11 Seventeenth Cause of Action only.

12
13
14 6. The UPI Defendants dismiss their Eleventh and Fifteenth Counter-
15 Claims, set forth at Docket Entry # 99, with prejudice.


16
17 7. All of the related actions bearing case numbers 07-cv-⁰⁷⁷⁷⁹~~0779~~
18 DDP-VBK, 08-cv-03504-DDP-VBK and 08-cv-05142-DDP-VBK, all of which
19 involve the same parties as those Parties identified herein, those actions are *BY THE*
20 *ON A SEPARATE ORDERS ISSUED COURT*
21 dismissed with prejudice in accordance with Fed. R. Civ. Proc., Rule 41 (a)(2), so
22 as to give full force and effect to the Joint Stipulation entered herein among the
23 Parties.

1 8. Costs and fees in the amount of \$100,000 are awarded to Defendants,
2 pursuant to Fed. R. Civ. Proc. 54 and Local Rule 54-1 et. seq., as part of the
3 stipulated entry of judgment set forth herein.

4 9. *The PTC and Trial dates are VACATED.*

5
6
7 IT IS SO ORDERED.

8
9
10 Dated: 9-17-10


Honorable Dean D. Pregerson
United States District Judge for
the Central District of California